IN THE HIGH COURT OF UTTARANCHAL AT NANITAL

Writ Petition No. 973 (S/S) of 2006

Ms. Poonam Singh,
W/o Sri Sompal Singh,
R/o Village – Bhurna, Tehsil – Laksar,
District – Haridwar, at present
523 / 2, Preet Vihar Colony,
Ganeshpur, Roorkee,
District – Haridwar. **…….Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Ministry of Woman Welfare, Civil Secretariat, Dehradun.
2. Director, Integrated Child Development Scheme, Dehradun, Uttaranchal.
3. Bal Vikas Pariyojna Adhikari, Development Region, Haridwar.
4. State of Uttara Pradesh through Secretary, Ministry of Woman Welfare, Civil Secretariat, Lucknow.
5. Director, Bal Vikas Evam Pustahar, U.P. Lucknow.
6. Union of India through Secretary, Ministry of Human Welfare, New Delhi.

……..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal K. Verma, learned counsel for the petitioner, Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 to 3, Smt. Beena Pandey, learned standing counsel for state of U.P. on behalf of respondents no. 4 and 5 and Smt. Anjali learned standing counsel for Union of India on behalf of respondent no. 6

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari quashing the order dated 12.07.2006 passed by

respondent no. 3 in violation of order no. 12 of 2005 passed by Union of India

(b) Issue a writ, order or direction in the nature of Mandamus directing the respondents not to relieve the petitioner from the State of Uttaranchal to State of U.P.

(c) Issue any other relief, which this Hon'ble Court may deem fit and proper in interest of justice.

(d) Award costs to the petitioner.

The facts narrated in the writ petition are that petitioner was appointed as Mukhya Sevika vide order dated 31.03.1995 and was posted at District – Haridwar. In the month of June, 1998 petitioner was posted at Block – Narsan, District-Haridwar. She is permanent resident of District – Haridwar. Prior to creation of State of Uttaranchal options were invited and at that time, it was not clear whether District – Haridwar will be included in the newly created State of Uttaranchal or not? Consequently, she has opted for State of Uttar Pradesh.

On 14.03.2005, order for relieving of the petitioner for State of U.P. was passed against which petitioner has made representation on 02.04.2005 not to relieve her for State of U.P. and requested to permit her to revise her option as she is permanent resident of State of Uttaranchal.

The said representation was addressed to Director, Integrated Child Development Scheme, Dehradun and was also recommended by Block Development Officer, Haridwar.

On the representation of the petitioner Secretary, State of Uttaranchal has passed an order not to relieve the petitioner till her case for mutual transfer is considered. Union of India has passed an order no. 12 of 2005 wherein it is categorically stated

that in pursuance to Section 73 (2) of the U.P. Reorganization Act, persons, who were working on or before 09.11.2000 were working in the State of U.P. or State of Uttaranchal shall be treated as finally allocated to that State in which they were working.

Since the petitioner was working in the State of Uttaranchal on 09.11.2000 she should have been treated as finally allocated to State of Uttaranchal. In spite of the aforesaid order petitioner has been relieved by District Programme Officer, vide order dated 12.07.2006 for State of U.P. in pursuance to the order dated 17.03.2005, 03.05.2005 and 12.06.2006 passed by Director Integrated Child Development Scheme, Dehradun.

The ground on which impugned order has been assailed by the petitioner requires scrutiny by the Competent Authority i.e. respondent no. 6.

In view of the above, I deem it fit and proper to direct the petitioner to make fresh representation before respondent no. 6 within a period of ten days from today and it is expected from the respondent no. 6 that he shall take decision on the representation of the petitioner within a period of three weeks from the date of production of certified copy of this order along with representation.

With this direction the writ petition is finally disposed of. No order as to costs,

(M.M. Ghildiyal, J)

July 21, 2006
SKSharma